

SILVANO B. MARCHESI (SBN 42965)  
County Counsel  
JANET L. HOLMES (SBN 107639)  
Deputy County Counsel  
COUNTY OF CONTRA COSTA  
651 Pine Street, 9th Floor  
Martinez, California 94553  
Telephone: (925) 335-1800  
Facsimile: (925) 335-1866  
Electronic mail: jholm@cc.cccounty.us

Attorneys for Defendants  
COUNTY OF CONTRA COSTA;  
DEPUTY SHERIFF JUSTIN CHURCH;  
SHERIFF WARREN RUPF

ANDREW C. SCHWARTZ (SBN 64578)  
CASPER, MEADOWS, SCHWARTZ & COOK  
A Professional Corporation  
2121 N. California Boulevard, Suite 1020  
Walnut Creek, CA 94596  
Telephone: (925) 947-1147  
Facsimile: (925) 947-1131  
Electronic mail: [schwartz@cmsclaw.com](mailto:schwartz@cmsclaw.com)

Attorneys for Plaintiff  
JAN MAGNUSSEN

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JAN MAGNUSSEN,

Plaintiff

v.

COUNTY OF CONTRA COSTA , et  
al.,

Defendants.

No. C 07 4307 EDL

JOINT CASE MANAGEMENT  
STATEMENT

[Civil Local Rule 16-9]

1 The parties to the above-entitled action jointly submit  
2 this Joint Case Management Statement pursuant to Civil  
3 Local Rule 16-9.

4  
5 1. Jurisdiction and Service: Basis for jurisdiction is  
6 federal question, based on plaintiff's claim under 42  
7 U.S.C. 1983. Justin Church has not been served, but  
8 defense counsel has authority to appear for him.

9 2. Facts: Plaintiff claims he was subjected to  
10 unreasonable force by Deputy Church, and was improperly  
11 accused of obstruction of justice and then resisting arrest  
12 after Deputy Church attempted to arrest him. Plaintiff  
13 asserts a *Monell* claim based on the County's policies.  
14 Defendants deny plaintiff's claims.

15  
16 3. Legal issues: Primary legal issues are excessive  
17 force and qualified immunity.

18 4. Motions: Defendants anticipate bringing a motion  
19 for summary judgment.

20  
21 5. Amendment of Pleadings: None anticipated.

22 6. Evidence Preservation: Evidence has been preserved  
23 by the parties.

1        7. Disclosures: The parties are in the process of  
2 completing Initial Disclosures, which will not be  
3 voluminous.

4        8. Discovery: Plaintiff has served, and defendants  
5 have responded to, an initial request for production of  
6 documents.

7        9. Class Actions: Not applicable.

8        10. Related Cases: None.

9        11. Relief: Plaintiff seeks money damages and  
10 attorney fees pursuant to law.

11        12. Settlement and ADR: The parties have stipulated  
12 to mediation through the court's ADR program.

13        13. Consent to Magistrate Judge For All Purposes: The  
14 parties will stipulate to consent to a magistrate judge for  
15 all purposes.

16        14. Other References: None appropriate at this time.

17        15. Narrowing of Issues: None appears appropriate at  
18 this time.

19        16. Expedited Schedule: None appears appropriate at  
20 this time.

21        17. Scheduling: The parties request a trial date in  
22 October 2008, with non-expert discovery cut-off in June  
23  
24  
25

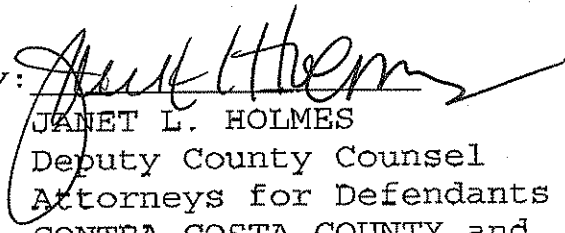
1 2008, dispositive motion filing deadline August 2008,  
2 expert disclosure deadline July 2008, expert discovery  
3 deadline August 2008.

4 18. Trial: Jury trial requested by plaintiff and  
5 defendants. Trial anticipated to consume four court days.  
6


7 19. Disclosure of Non-party Interested Entities or  
8 Persons: None required.

9 20. Other: Nothing anticipated at this time.

10 DATED: November 6, 2007 SILVANO B. MARCHESI  
11 COUNTY COUNSEL

12  
13 By:   
14 JANET L. HOLMES  
15 Deputy County Counsel  
16 Attorneys for Defendants  
17 CONTRA COSTA COUNTY and  
18 WARREN RUPF

19 DATED: November 6, 2007 CASPER, MEADOWS, SCHWARTZ & COOK

20 By:   
21 ANDREW C. SCWHARTZ  
22 Attorneys for plaintiff  
23 JAN MAGNUSSEN  
24  
25